

part of a decomposed substance. The article was labeled in part: (Cans) "Net Wt. 6 Oz. Ital-Ama Brand Tomato Paste with Sweet Basil."

On August 14 and 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2250. Adulteration of chili sauce. U. S. v. 135 Cases of Chili Sauce. Default decree of condemnation and destruction. (F. D. C. No. 4889. Sample Nos. 65043-E, 65050-E.)

On June 9, 1941, the United States attorney for the District of Colorado filed a libel against 135 cases, each containing 6 No. 10 cans, of chili sauce at Denver, Colo., which had been consigned by Norman L. Waggoner, Inc., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, from Hemet, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Kern's Fancy Chili Sauce."

On August 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2251. Adulteration of chili sauce. U. S. v. 40 Cases of Chili Sauce. Default decree of condemnation and destruction. (F. D. C. No. 4880. Sample No. 60265-E.)

Examination showed that this product contained worm and insect fragments.

On June 5, 1941, the United States attorney for the Western District of Washington filed a libel against 40 cases, each containing 24 bottles, of chili sauce at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 3, 1941, by Tiedemann & McMorran from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "Kern's Pure Chili Sauce- Net Wt. 12 Oz."

On August 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT PRODUCTS

2252. Adulteration and misbranding of vinegar. U. S. v. Robert H. Ball (Ball Products Co.). Plea of guilty. Fine, \$20. (F. D. C. No. 4145. Sample No. 29233-E.)

This product was adulterated and misbranded because distilled vinegar or dilute acetic acid had been substituted for cider vinegar, which it purported to be.

On June 21, 1941, the United States attorney for the Southern District of Ohio filed an information against Robert H. Ball, trading as Ball Products Co. at Dayton, Ohio, alleging shipment within the period from on or about November 26 to December 11, 1940, from the State of Ohio into the State of Kentucky of quantities of vinegar that was adulterated and misbranded. It was labeled in part: "Ball Brand Cider Vinegar."

The article was alleged to be adulterated (1) in that distilled vinegar or dilute acetic acid had been substituted in whole and in part for cider vinegar, which it purported to be; and (2) in that distilled vinegar or dilute acetic acid had been mixed or packed therewith so as to reduce its quality and strength.

It was alleged to be misbranded in that the statements "Superior Quality * * * Cider Vinegar Reduced to 4% Acidity," borne on the bottle label, were false and misleading since it was not of superior quality and did not consist of cider vinegar reduced to 4 percent acidity, but did consist in whole and in part of distilled vinegar or dilute acetic acid. It was alleged to be misbranded further in that it was offered for sale under the name of another food, i. e., cider vinegar.

On June 28, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each of the two counts of the information, totaling \$20.

2253. Adulteration of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 4387. Sample No. 55619-E.)

Examination of this product disclosed the presence of rodent hairs, spiders, and insect fragments.

On April 18, 1941, the United States attorney for the District of Oregon filed a libel against 24 cases, each containing 6 No. 10 cans, of apple butter at Portland, Oreg., alleging that the article had been shipped on or about March 20, 1941, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was

adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Sunny Jim Pure Apple Butter."

On June 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2254. Adulteration of lekvar, diced mixed fruit, and apricot jam. U. S. v. 2 Pails of Lekvar, 1 Tin of Carson Diced Mixed Fruit, and 3 Pails of Apricot Jam. Default decree of condemnation and destruction. (F. D. C. No. 4974. Sample Nos. 56687-E to 56689-E, incl.)

Examination of these products showed that they were contaminated with filth, insect fragments having been found in all three, rodent hairs in the lekvar and jam, wood splinters in the lekvar, and metal fragments in the lekvar and diced fruit.

On or about June 24, 1941, the United States attorney for the District of Connecticut filed a libel against the above-named articles at Bridgeport, Conn., alleging that they had been shipped in interstate commerce by Vienna Extract Co., Inc., from Brooklyn, N. Y., the lekvar and diced fruit on or about May 8, 1941, and the jam on or about May 12, 1941; and charging that they were adulterated. They were labeled in part: "D. L. Brand Lekvar Net Weight 60 lbs.," "'Carson' Diced Mixed Fruit * * * 60 lbs. net," and "Pure Apricot Jam * * * 30 pounds."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2255. Adulteration and misbranding of preserves. U. S. v. 6 Cases, 5 Cases, and 5 Cases of Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5142. Sample Nos. 53910-E to 53912-E, incl.)

These products failed to comply with the requirements set forth in the definition and standard of identity for fruit preserves prescribed by regulations as provided by law. The strawberry preserves were insufficiently cooked, as evidenced by the fact that their soluble solids content was less than 68 percent, and the raspberry and the apricot preserves contained less than 45 percent by weight of fruit.

On July 15, 1941, the United States attorney for the District of Nevada filed a libel against 16 cases, each containing 12 jars, of preserves at Las Vegas, Nev., alleging that the articles had been shipped on or about March 30, 1941, by the Diamond-T Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. They were labeled in part: "D-Lite Brand Pure Strawberry [or "Raspberry" or "Apricot"] Preserves Net Wt. 2#."

The strawberry preserves were alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar that contained a smaller percentage of soluble solids than that required in the definition and standard of identity for fruit preserves, had been substituted wholly or in part for strawberry preserves. The raspberry and the apricot preserves were alleged to be adulterated in that articles deficient in fruit had been substituted wholly or in part for raspberry and apricot preserves.

The strawberry preserves were alleged to be misbranded in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was insufficiently concentrated, since the soluble solids content of the finished preserve was less than 68 percent. The raspberry and the apricot preserves were alleged to be misbranded (1) in that the names "Pure Raspberry Preserves" and "Pure Apricot Preserves" were false and misleading as applied to articles deficient in fruit; (2) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "Imitation," and immediately thereafter the names of the foods imitated; and (3) in that they purported to be foods for which definitions and standards of identity had been prescribed, but failed to conform to such definitions and standards.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2256. Adulteration of strawberry preserves. U. S. v. 74 Cartons of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 3383. Sample No. 55006-E.)

Examination showed the presence of moldy berries in this product.

On November 18, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 74 cartons, each containing 6 No. 10